

REMARKS/ARGUMENTS

In the Office action dated October 25, 2005, the Examiner objected to the Specification as containing numerous informalities. Applicants note that of the several identified informalities, some are the result of the scanning process at the U.S. Patent and Trademark Office, *e.g.*, the objection on Page 20, line 3, stating that Fig. 1 should be changed to Fig. 4 and the objection to Page 2 [sic], which is really page 21, line 5, wherein the feedback circuit 131 should be changed to feedback circuit 134, are not well taken, as the Specification, as filed, has the proper numbers. A download of the Specification from Private PAIR shows the U.S. Patent and Trademark Office scanning process to have failed to “see” parts of the number “4” throughout the specification, leading one to conclude that it is the number “1.” In accordance with the Examiner’s request for a thorough review of the Specification, all pages of the Specification have been reviewed, and every page thereof has been amended to correct grammatical errors, or to correct scanning errors in the U.S. Patent and Trademark Office system. It is hoped that this newly submitted amended Specification will scan more correctly, hopefully negating a need to perform an extensive correction process for the issued patent. Line numbers have been added to the Specification to facilitate any further discussion between Applicants and the Examiner. No new matter had been introduced by the amendments to the Specification and claims.

The Examiner objected to the claims for a variety of reasons, which objections have been noted and correction made.

The Examiner rejected claims 1-20 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-36 of U.S. Patent Application Serial No. 10/895,513. As the “conflicting” case has not yet been allowed, Applicants hereby agree that, upon allowance of claims in U.S. Patent Application Serial No. Page 33 Response to Office Action under 37 C.F.R. § 1.111 for Serial No. 10/625,647

10/895,513, a terminal disclaimer will be filed with the U.S. Patent and Trademark Office.

The Examiner rejected claims 1-16 and 20 under 35 U.S.C. § 112, 2d paragraph as being indefinite. It is believed that by this Amendment, the 35 U.S.C. § 112, 2d paragraph problems with the claims have been overcome.

With respect to the rejection of claims 3 and 20 under 35 U.S.C. § 112, 2d paragraph, the comparing signal may have any or all of the electrical characteristics, *i.e.*, polarity, amplitude and duration. Specification as amended, page 18, lines 14-17. This limitation has been clarified in amended claims 3 and 20.

In the Specification, pages 1-26 are amended

In the Claims, claims 1-6, 8-12, 14-17 and 19-20 are amended.

In light of the foregoing amendment and remarks, the Examiner is respectfully requested to reconsider the rejections and objections stated in the Office action, and pass the application to allowance. If the Examiner has any questions regarding the amendment or remarks, the Examiner is invited to contact the undersigned.

Provisional Request for Extension of time in Which to Respond

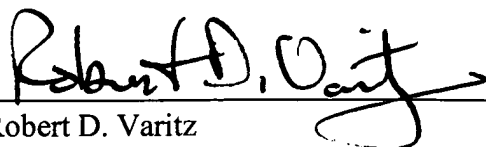
Should this response be deemed to be untimely, Applicants hereby request an extension of time under 37 C.F.R. § 1.136. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any over-payment to Account No. 22-0258

Customer Number

55376

Respectfully Submitted,

ROBERT D. VARITZ, P.C.



Robert D. Varitz
4915 S.E. 33d Place
Portland, Oregon 97202

Registration No: 31436
Telephone: 503-720-1983
Facsimile: 503-233-7730

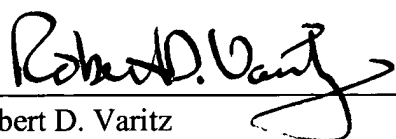
CERTIFICATE OF EXPRESS MAILING

"Express Mail" Mailing Label No.
Date of Deposit - January 19, 2006

EV756094802US

I hereby certify that the attached RESPONSE TO OFFICE ACTION UNDER 37 C.F.R. § 1.111 and a Change of Correspondence Address and Associate Power of Attorney are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to:

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450


Robert D. Varitz